

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CREDENTIAL CHECK CORPORATION,  
A Michigan corporation,

Plaintiffs,

Case No. 13-cv-

vs.

Hon.

PreCHECK, INC., a Texas corporation,

Defendants.

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& MacFarlane, PC  
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**COMPLAINT FOR TRADEMARK INFRINGEMENT,  
FALSE DESIGNATION OF ORIGIN AND UNFAIR COMPETITION**

NOW COMES CREDENTIAL CHECK CORPORATION to complain against  
Defendant PreCHECK, INC. for violations of the Lanham Act and for common law unfair  
competition as follows:

**THE PARTIES**

1. Plaintiff, CREDENTIAL CHECK CORPORATION, is a corporation of the state  
of Michigan having a place of business at 575 East Big Beaver Road, Suite 300, Troy, Michigan  
48083, within this judicial district.

2. Defendant, PreCHECK, INC. is a Texas corporation with a place of business at 2500 East T. C. Jester Blvd., Suite 600, Houston, Texas 77008.

**JURISDICTION AND VENUE**

3. Jurisdiction for this action is based on 15 USC § 1121 and 28 USC § 1338. Venue is proper under 28 USC § 1391(b)(2) and (3) and (c)(2) as Defendant solicits and does business throughout the State of Michigan through internet advertising and other means.

**STATEMENT OF FACTS**

4. Plaintiff, CREDENTIAL CHECK CORPORATION is the owner of United States Trademark Registrations 3,226,362 issued January 23, 2007, attached as Exhibit A, 3,188,300 issued December 19, 2006, attached as Exhibit B, and 3,283,948 issued August 21, 2007, attached as Exhibit C, all providing protection for the mark “CREDENTIAL CHECK” in various forms, for background investigational services.

5. Plaintiff has used the registered marks in commerce since at least as early as December, 2004 and, as a result, has established CREDENTIAL CHECK as a distinctive designator of Plaintiff for service clients in various fields including healthcare, an example of which is the University of Michigan.

6. In March of 2006, Defendant, PreCheck adopted the mark “CredentCheck” for a healthcare license monitoring system which it now markets continuously throughout the United States.

7. Defendant’s use of the service mark CredentCheck for healthcare license monitoring services and systems is, because of its substantial similarity with Plaintiff’s mark and corporate name, is likely to cause confusion as to the source of Defendant’s products and

services and lead customers and potential customers to believe that Defendant's services and/or products originate from or are somehow affiliated with or sponsored by Plaintiff.

8. Defendant PreCheck attempted to register the mark CREDENTCHECK with the U. S. Patent and Trademark Office for the services as described above, and on February 7, 2008 and again on September 23, 2008 was advised in writing by an Examining Attorney in the U. S. Trademark Office that the similarity of Defendant's mark with Plaintiff's marks, when the associated goods and service fields were considered, was such as to be likely to cause confusion as to source. For that reason, the Trademark Office Examining Attorney refused to register Defendant's mark. See Exhibits D and E attached. Defendant did not refute the Examining Attorney's findings, and abandoned the application to register. However, Defendant continued to use the CREDENTCHECK mark.

**COUNT I: STATUTORY TRADEMARK INFRINGEMENT**

Plaintiff incorporates the above allegations of paragraphs 1-8 as if fully set forth herein.

9. Defendant's use in commerce of the mark CredentCheck violates Plaintiff's rights as represented by the Federal Trademark Registrations identified above, constitutes infringement under 15 USC § 1114 for which Plaintiff is entitled to recover damages in an amount which can only be determined through an accounting.

10. Defendant's infringement was willful.

**COUNT II: FALSE DESIGNATION OF ORIGIN**

Plaintiff incorporates the above allegations of paragraphs 1-10 as if fully set forth herein.

11. Defendant's unauthorized use of the mark CredentCheck in commerce in the United States falsely designates Plaintiff as the source of Defendant's product in violation of

Title 15 United States Code Section 1125(a) for which Plaintiff is entitled to recover damages in an amount which can only be determined through an accounting.

12. Defendant's acts as set forth above were willful.

**COUNT III: UNFAIR COMPETITION**

Plaintiff incorporates the above allegations of paragraphs 1-12 as if fully set forth herein.

13. Defendant's use of the mark CredentCheck on and in connection with its product which is advertised and sold in interstate commerce competes unfairly with Plaintiff as to its existing and future service areas.

14. As a result of Defendant's acts of unfair competition as set forth above, Plaintiff is entitled to damages in an amount which can only be determined through an accounting.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, Credential Check Corporation, prays for the following relief:

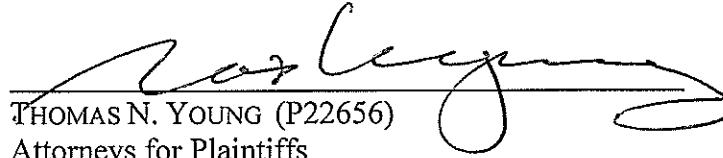
- A. Entry of judgment of trademark infringement on the allegations of Count I in Plaintiff's favor;
- B. Entry of judgment finding false designation of origin on the allegations of Count II in Plaintiff's favor;
- C. Entry of judgment finding unfair competition on the allegations of Count III in Plaintiff's favor;
- D. The scheduling and holding of an accounting to determine the damages due and payable to Plaintiff as a result of the Court's findings as set forth above;
- E. A finding that Defendant's acts were willful and a trebling of the damages determined to be due Plaintiff;
- F. Preliminary and permanent injunctions prohibiting Defendant from any and all further uses of the mark CredentCheck and colorable imitations thereof; and
- G. Such other and additional relief as the Court may see fit to grant.

**DEMAND FOR JURY TRIAL**

Plaintiff, Credential Check Corporation demands trial by jury as to all issues triable in this case as a matter of right.

Respectfully submitted,

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Dated: May 10, 2013